

FEB 15 2007

## REMARKS

Reconsideration of this application is respectfully requested. The undersigned, on behalf of applicants, thanks the examiner for the helpful courtesies and remarks extended during the personal interview on February 1, 2007. This amendment and the following remarks are believed consistent with the discussions during the interview.

Claims 1-8 and 36-61 are presently pending in this application. Claims 9-35 were previously canceled without prejudice due to an inadvertence in claim numbering and have been earlier presented as new claims 36-61. By this amendment, claims 43-46 again are presented for examination.

Claims 1-8, 36-42 and 47-61 stand withdrawn pursuant to restriction requirement, the restriction requirement having been made final.

Applicants note with appreciation that claims 43 to 46 are allowable over the art.

Claims 43-46 have been rejected under 35 USC 112, second paragraph as indefinite. The examiner asserts that numerical ranges should be recited for each of subscripts "x" and "n" in the claimed formula  $[\text{NP}(\text{ZR}^2)_x(\text{ZC}_6\text{H}_4\text{SO}_2\text{NR}^1\text{SO}_2\text{R}_f)_{2-x}]_n$ .

Applicants respectfully submit that claims 43-46, as previously presented, fully comply with 35 USC 112, second paragraph. Applicants submit that one of ordinary skill would readily be able to assess the metes and bounds of previously presented claims 43-46 without an explicit designation of the value of the subscript x. One of ordinary skill in the phosphazene art would know that subscript x inherently has a value between 0 and 2 in order to achieve the claimed phosphazene having each of a  $(\text{ZR}^2)$  substituent and a  $(\text{ZC}_6\text{H}_4\text{SO}_2\text{NR}^1\text{SO}_2\text{R}_f)$  substituent. One of ordinary skill would know that if x is 0, then the  $(\text{ZR}^2)$  substituent would not be present in the claimed phosphazene. Similarly, one of ordinary skill would know that if x is 2, then the  $(\text{ZC}_6\text{H}_4\text{SO}_2\text{NR}^1\text{SO}_2\text{R}_f)$  substituent would not be present in the claimed phosphazene. One of ordinary skill therefore would know that x has a value between

0 and 2 and therefore would readily be able to assess the metes and bounds of claims 43 to 46.

Applicants strongly believe that one of ordinary skill would be readily able to assess the values of subscripts  $x$  and  $n$ . Applicants, however, in order to expedite prosecution, have amended claims 43 and 46 to recite explicitly the inherent values for subscripts such as subscript  $x$ . Support for the amendments to claims 43 and 46 is present, inter alia, at pages 2 and 4 of the specification. The specification at page 2, line 11 teaches that two organic, inorganic, or organometallic substituent groups are attached to each phosphorus atom in a phosphazene. Page 4, line 24 of the specification teaches that  $n$  is  $\geq 3$ . No new matter is presented.

In addition to the forgoing, and as is well known in the art of phosphazene chemistry, there are two possible substituent (side-groups) per P atom and those substituents may differ. See "Phosphorus-Nitrogen Compounds", Allcock, pub: Academic Press Inc., New York, 1972, pp 3-4, a copy of which was previously provided to the examiner.

In connection with the subscript  $n$ , and as would be recognized by one of ordinary skill in the art, subscript  $n$  need not have a specific numerical value. This is because one of ordinary skill in the art recognizes that the number of units in a polymer chain may be any number greater than one.

Although claims 43 and 46 have been amended to recite explicit values for subscripts  $x$  and  $n$ , it should be noted that those amendments to claims 43 and 46 are tangential to patentability. The amendments to claims 43 and 46 are mere recitations of the inherent values of subscripts such as subscript  $x$ . One of ordinary skill, as discussed above, would recognize that the value of  $x$  inherently is between 0 and 2.

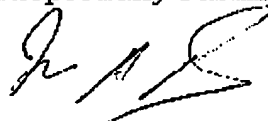
Applicants submit that 35 USC 112, 2<sup>nd</sup> paragraph is satisfied if a person skilled in the field of the invention would reasonably understand the claim when read in the context of the specification. See Union Pac. Res. Co. v. Chesapeake Energy Corp., 236 F.3d 684, 692 (Fed. Cir. 2001) (the definiteness requirement set forth in § 112, 2<sup>nd</sup> paragraph, "focuses on whether those skilled in the art would understand the scope of

the claim when the claim is read in light of the rest of the specification"); Miles Lab., Inc. v. Shandon, 997 F.2d 870, 875 (Fed. Cir. 1993) (if the claims "reasonably apprise those skilled in the art of the scope of the invention, § 112 demands no more"); In re Moore, 58 C.C.P.A. 1042, 439 F.2d 1232, 1235 (CCPA 1971) (the indefiniteness inquiry asks whether the claims "circumscribe a particular area with a reasonable degree of precision and particularity").

Applicants respectfully submit that claims 43-46 satisfy the requirements of 35 USC 112, 2<sup>nd</sup> paragraph. Here, it is clear that a person skilled in the field of claims 43-46 would reasonably understand the scope of those claims when read in the context of the specification. It also is clear that claims 43-46 reasonably apprise those skilled in the art of the scope of the claims with a reasonable degree of precision and particularity.

In view of the forgoing, applicants respectfully submit that the claims are in condition of allowance. Such action is respectfully solicited.

Respectfully Submitted,



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